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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,270	10/12/2005	Marco Brunetti	09728.0339USWO	6891
23552	7590	06/08/2010		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER HSIAO, JAMES K	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 06/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/553,270

Applicant(s)

BRUNETTI ET AL.

Examiner

JAMES K. HSIAO

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5,7,11,12,14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,9,10,12,15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Newly submitted claim 16 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Elected figures 18-20 appear to show a noncircular profile shape (12) similar to non- elected figures 14-16, as opposed to non elected figures 5-13, which show a non-circular profile comprising an oval or elliptical shape. Accordingly, claim 16 is withdrawn from consideration as being directed to a non-elected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 8, 9, 10, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaus (US-6523651).

Regarding claim 1, Schaus discloses a rotatable hub (16) defining a rotational axis (perpendicular to hub 16 in figure 2) having an outwardly projecting radial flange (20) defining an outwardly facing edge, a braking rotor (14) which is integral with or fixed for rotation with a flange (15) which projects radially inwards and which defines an opening with an internal edge, wherein the edges of the two flanges are adjacent to each other and face each other radially (fig 3), wherein the edges have, at least along one portion thereof, the same non-circular shape in the same plane (fig 3) extending

transversely to the rotational axis (figs 2-3). The transverse direction interpreted as into/out of the paper or in a vertically oriented direction shown in figures 2-3.

Regarding claims 2-4, see edges of flanges 15, fitting into cavity (17) and are substantially aligned in the same radial plane (figs 2-4).

Regarding claim 6, see cavity (17) and flanges (15) projected radially inwardly.

Regarding claim 8, see flange and outward edges of (20) in figs 2-4.

Regarding claim 9, see (20), fig 1.

Regarding claim 10, see (14) in fig 3, flanges (15) and cavity (17) in which (20) projects into.

Regarding claim 12, Schaus discloses the recited structure as seen in figure 1-4. Product by process claims are not limited to the manipulations of the recited steps, only the structure. See MPEP 2113.

Regarding claim 15, Schaus discloses wherein the edges (15) define a non circular profile as broadly recited (figs 2-3). The edges of (15) are interpreted as noncircular as broadly recited in the sense that the edges are square along the rotational axis.

Response to Arguments

Applicant's arguments filed 3/2/2010 have been fully considered but they are not persuasive. Applicant asserts that Schaus does not disclose a hub and a rotor. As seen in the modified rejection above, Schaus discloses hub portion (16) and rotor portion (14). Both of the portions are for the wheel of a motor vehicle as broadly recited. The present arguments appear to be much more specific than the limitations set by the

claims. The claims, as broadly recited, do not require the "hub" to a wheel hub or a disk hub. Additionally, with regards to the present arguments, the claim does not require a mounting bolt, a specific plane, a specific edge, etc. The transverse direction can be interpreted as into/out of the paper or in a vertically oriented direction shown in figures 2-3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JAMES K. HSIAO** whose telephone number is (571)272-6259. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

JKH